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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,570	08/18/2003	Curtis Nordmark Knowles		4222

7590 11/29/2005
Curtis N. Knowles
15114 Dundee Avenue
Apple Valley, MN 55124

EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/642,570	Applicant(s) KNOWLES	
	Examiner FRANKIE L. STINSON	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by either Engel (U. S. Pat. No. 2,542,491) or Koyama (U. S. Pat. No. 6,012,473).

Re claim 1, Engel and Koyama are each cited disclosing a paint roller cover cleaning tool adapted for use in cleaning paint roller covers by conveniently connecting them to commonly used hand held electric drills (see "D" in Engel and col. 3, lines 34-43 in Koyama) for cleaning them by spinning comprising: a shaft (1 in Engel and 28 in Koyama) having two ends, said shaft threaded at a first end (2' in Engel and 18 in Koyama), a roller cover support means (6 in Engel and 26 in Koyama) adapted to support a conventional tubular paint roller cover thereon mounted on said shaft and extending axially there along, a protuberance means (5 in Engel and 22 in Koyama) located on said shaft at a distance from said first end which is greater than the axial length of said roller cover support means, and a compressing means (5' in Engel and 22 in Koyama) on said threaded end of said shaft forcing said roller cover support means into frictional engagement with said protuberance means for coupling said roller cover support means to said shaft for rotation therewith when said second end of said shaft is connected to an electric drill.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Engel or Koyama in view of Kolb (U. S. Pat. No. 4,545,395).

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Claim 2 defines over the applied prior art only in the recitation of the guide sleeve and the retaining means therefore. Kolb is cited disclosing in an apparatus for cleaning a paint roller, where there is provided a guide sleeve (7) and retaining means (8, 9) as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Engel or Koyama, to include a sleeve and retaining means as taught by Kolb, for the purpose of allowing for the manual holding the apparatus during cleaning.

4. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection. However in regard to the remarks on the Engel and Koyama references, namely that they fail to disclose the specific structure, please note the following. Applicant has claimed a "protuberance means" and the examiner has defined the same as "bulging out or beyond the surrounding surface", Random House College Dictionary, 1980. Therefore, giving the limitation its broadest reasonable interpretation (as allowed by the examiner), the nut 5 in Engel and 22 in Koyama, clearly meet this definition. Although applicant's specification teaches the use of "ears" stamped from the shaft as the protuberance, this structure has not been claimed. And if claimed, attention is directed to **MPEP 2144.06**

SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE, which states:

In order to rely on equivalence as a rationale supporting an obviousness rejection, the equivalency must be recognized in the prior art, and cannot be based on applicant's disclosure or the mere fact that the components at issue are functional or mechanical equivalents. In re Ruff, 256 F.2d 590, 118 USPQ

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340 (CCPA 1958) (The mere fact that components are claimed as members of a Markush group cannot be relied upon to establish the equivalency of these components. However, an applicant's expressed recognition of an art-recognized or obvious equivalent may be used to refute an argument that such equivalency does not exist.); *In re Scott*, 323 F.2d 1016, 139 USPQ 297 (CCPA 1963) (Claims were drawn to a hollow fiberglass shaft for archery and a process for the production thereof where the shaft differed from the prior art in the use of a paper tube as the core of the shaft as compared with the light wood or hardened foamed resin core of the prior art. The Board found the claimed invention would have been obvious, reasoning that the prior art foam core is the functional and mechanical equivalent of the claimed paper core. The court reversed, holding that components which are functionally or mechanically equivalent are not necessarily obvious in view of one another, and in this case, the use of a light wood or hardened foam resin core does not fairly suggest the use of a paper core.); *Smith v. Hayashi*, 209 USPQ 754 (Bd. of Pat. Inter. 1980) (The mere fact that phthalocyanine and selenium function as equivalent photoconductors in the claimed environment was not sufficient to establish that one would have been obvious over the other. However, there was evidence that both phthalocyanine and selenium were known photoconductors in

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the art of electrophotography. "This, in our view, presents strong evidence of obviousness in substituting one for the other in an electrophotographic environment as a photoconductor." 209 USPQ at 759.). An express suggestion to substitute one equivalent component or process for another is not necessary to render such substitution obvious. In re Fout, 675 F.2d 297, 213 USPQ 532 (CCPA 1982). The protuberance as claimed functions to prevent movement of the roller support up the shaft and provides a bearing surface for the support. Clearly the nuts in Engel and Koyama are a protuberance with respect to the shaft and functions in the same manner as instantly claimed. In regard to the compression means, it is understood by the examiner that the compression means as instantly claimed, compress the roller support means (4) axially thereby bowing out the roller support means for engagement with the inner surface of the roller thereby providing frictional supporting the roller. Attention is directed to Engel (col. 2, lines 24-29) and Koyama (col. 5, lines 10-24). Clearly, the nuts at the free end of the shaft, are axially adjusted allowing for movement of the roller support, at the free end of the support, axially up the shaft thereby compressing the roller support as instantly claimed causing the support to bow outwardly. As for the sleeve as claimed, it is agreed that the applied prior art fails to teach this limitation and therefore, Kolb is applied.

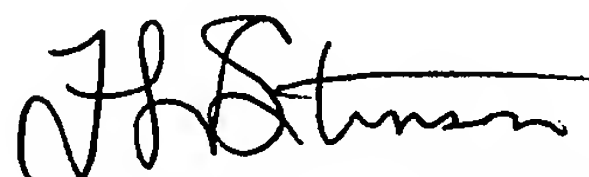
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746